

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES HOUFF,

Plaintiff,

v.

CITY OF SACRAMENTO, *et al.*,

Defendants.

Case No. 2:22-cv-01150-MCE-JDP

ORDER AFTER HEARING

This case was before the court on October 3, 2024, for hearing on defendants County of Sacramento, Jim Spurgeon, and Michael Daniels's ("moving defendants") motion to compel third-party Andrew Keegans to appear for a deposition and for monetary sanctions. ECF No. 56. Attorney Megan Boelter appeared on behalf of the moving defendants; attorney Lee Roistacher appeared on behalf of defendants Brian Ellis; and Benjamin Nisenbaum appeared on behalf of plaintiffs. Mr. Keegans did not appear.

For the reasons stated on the record, it is hereby ORDERED that:


1. Defendants' motion to compel, ECF No. 56, is granted.
2. Andrew Keegans is ordered to appear for his deposition on October 29, 2024, at 1:00 p.m. via Zoom.
3. Defense counsel shall provide Mr. Keegans with the Zoom login information at least seven days prior to the deposition.

1 4. Mr. Keegans shall pay \$3,654.75 to defendants County of Sacramento, Spurgeon, and  
2 Michael Daniels for the reasonable expenses they incurred in connection with the depositions he  
3 failed to attend and bringing their motion to compel.<sup>1</sup>

4 5. Defendants shall serve Mr. Keegans with a copy of this order and a notice of  
5 deposition by no later than October 11, 2024.

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7 IT IS SO ORDERED.

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9 Dated: October 10, 2024

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE

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22 <sup>1</sup> At the hearing, the court instructed defense counsel to submit a proposed order and an  
23 updated declaration that includes all expenses defendants incurred in connection with the two  
24 unsuccessful attempts to depose Mr. Keegans and in bringing the instant motion. Defendants  
25 submitted a proposed order, which asks that they be awarded \$4,304.75 in fees and costs. ECF  
26 No. 61. The record indicates defendants incurred \$704.75 in videographer and court reporter  
27 costs, which is reasonable and therefore awarded. ECF No. 56-2 at 4, 77. Counsel's billing  
28 records show that attorney Megan Boelter spent 11.8 hours, at an hourly rate of \$250, preparing  
for and attending Mr. Keegans's September 3, 2024 deposition and drafting and litigating the  
instant motion, for a total amount of \$2,950. ECF No. 61-1 at 2, 9-14. Both Ms. Boelter's hourly  
rate and the time she spent in connection with this matter are reasonable. However, this evidence  
demonstrates that defendants are entitled to \$3,654.75, not the higher amount reflected in their  
proposed order.